

CRM-29191 of 2014 in  
CRA-S-3645-SB-2014

Manpreet Kaur and others vs State of Punjab

Present: Mr. Navkiran Singh, Advocate for applicant/appellants  
No. 1 and 4

Mr. C.S.Brar, DAG, Punjab

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The applicant/appellants no. 1 and 4 Manpreet Kaur and Raghbir Singh who are working in Government Departments were tried in case bearing FIR No. 39 dated 6.3.2012, under sections 306, 34 IPC, Police Station Kharar vide judgment and order of sentence dated 26.8.2014, the court of learned Additional Sessions Judge, SAS Nagar found both of them guilty of commission of offence under section 306 IPC and sentenced them to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs 5000/- each and in default to further undergo rigorous imprisonment for two months against which they have filed an appeal which is pending in this Court.

During the pendency of the appeal, the instant application has been filed seeking suspension of conviction of these applicant/appellants.

After hearing at length Mr. Navkiran Singh, counsel for the appellants and Mr. CS Brar, DAG, Punjab for the State, no doubt it has been laid down in the **State of Punjab versus Deepak Mattu, 2008 CrI. L.J.322**

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that convictions are not generally to be stayed and that in **Navjot Singh Sidhu vs. State of Punjab 2007(1) RCR (CrI.) 836** it has been held that the Court has got jurisdiction in terms of section 389 Cr.P.C. to suspend the conviction while suspending sentence. Reverting back to the instant case, Manpreet Kaur had a matrimonial dispute with her husband Swaran Singh and the couple admittedly were staying separate since long time and the wife moved a criminal complaint against the husband and it is alleged that the wife has instigated the husband and forced him to commit suicide. Since the present allegations are pure personal matrimonial issues and has no connection with her performance of duties as a Government official which would in no manner come in her working or of her conduct as such an official. It is contended by Mr. Navkiran Singh that the applicants are being administratively dealt with purely for the reasons that they have been convicted in this case. The appeal is not likely to be heard in near future and if the applicants are administratively dealt with and thrown out of the job will certainly invite more trouble and which have its own adverse impact on the future life. The culpability is to be determined at the time of final arguments. In the totality of the circumstances and the fact that abetment in this case is a debatable issue and whether it is a counter blast by the family of the deceased against Manpreet Kaur the wife who has filed

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criminal complaint against the husband, therefore, impels this Court to allow the present application thus staying the conviction of appellants no. 1 and 4 namely Manpreet Kaur and Raghbir Singh.

October 28, 2015  
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( Fateh Deep Singh )  
Judge



सत्यमेव जयते

